

**SENATE BILL**

**No. 51**

**Introduced by Senator Kuehl**

January 10, 2005

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An act to amend Section 1946.1 of the Civil Code, relating to tenancy.

LEGISLATIVE COUNSEL'S DIGEST

SB 51, as amended, Kuehl. Real property: rentals.

Existing law, until January 1, 2006, establishes certain provisions for the renewal or termination of a hiring of residential real property for an unspecified term. Included among these provisions is a requirement that an owner of a residential dwelling give at least 60 days' notice prior to termination or 30 days' notice prior to termination if the tenant has resided in the dwelling for less than one year, or if other enumerated circumstances are satisfied.

This bill would ~~delete~~ revise that date, thereby extending these provisions ~~indefinitely~~ until January 1, 2009. This bill would also provide that an owner may give 30 days' notice if any tenant or resident has resided in the dwelling for less than one year.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 1946.1 of the Civil Code is amended to
- 2 read:
- 3 1946.1. (a) Notwithstanding Section 1946, a hiring of
- 4 residential real property for a term not specified by the parties, is
- 5 deemed to be renewed as stated in Section 1945, at the end of the

1 term implied by law unless one of the parties gives written notice  
2 to the other of his or her intention to terminate the tenancy, as  
3 provided in this section.

4 (b) An owner of a residential dwelling giving notice pursuant  
5 to this section shall give notice at least 60 days prior to the  
6 proposed date of termination. A tenant giving notice pursuant to  
7 this section shall give notice for a period at least as long as the  
8 term of the periodic tenancy prior to the proposed date of  
9 termination.

10 (c) Notwithstanding subdivision (b), an owner of a residential  
11 dwelling giving notice pursuant to this section shall give notice at  
12 least 30 days prior to the proposed date of termination if ~~the~~  
13 ~~tenant~~ *any tenant or resident* has resided in the dwelling for less  
14 than one year.

15 (d) Notwithstanding subdivision (b), an owner of a residential  
16 dwelling giving notice pursuant to this section shall give notice at  
17 least 30 days prior to the proposed date of termination if all of the  
18 following apply:

19 (1) The dwelling or unit is alienable separate from the title to  
20 any other dwelling unit.

21 (2) The owner has contracted to sell the dwelling or unit to a  
22 bona fide purchaser for value, and has established an escrow with  
23 a licensed escrow agent, as defined in Sections 17004 and 17200  
24 of the Financial Code, or a licensed real estate broker, as defined  
25 in Section 10131 of the Business and Professions Code.

26 (3) The purchaser is a natural person or persons.

27 (4) The notice is given no more than 120 days after the escrow  
28 has been established.

29 (5) Notice was not previously given to the tenant pursuant to  
30 this section.

31 (6) The purchaser in good faith intends to reside in the  
32 property for at least one full year after the termination of the  
33 tenancy.

34 (e) The notices required by this section shall be given in the  
35 manner prescribed in Section 1162 of the Code of Civil  
36 Procedure or by sending a copy by certified or registered mail.

37 (f) This section may not be construed to affect the authority of  
38 a public entity that otherwise exists to regulate or monitor the  
39 basis for eviction.

1     (g) *This section shall remain in effect only until January 1,*  
2     *2009, and as of that date is repealed, unless a later enacted*  
3     *statute, that is enacted before January 1, 2009, deletes or extends*  
4     *that date.*

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